



Docket Item # 4

Special Use Permit #2014-0029

106 Hume Avenue – Emma's Coffee Shop and Wine Bar

CONSENT CALENDAR ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Calendar.

| Application | General Data | |
|--|------------------------------|---------------------|
| Consideration of a request to extend a previously-approved Special Use Permit to operate a restaurant. | Planning Commission Hearing: | June 3, 2014 |
| | City Council Hearing: | June 14, 2014 |
| Address: 106 Hume Avenue | Zone: | CL / Commercial Low |
| Applicant: Connie Desrosiers | Small Area Plan: | Potomac West |

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

CITY COUNCIL ACTION, JUNE 14, 2014: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, JUNE 3, 2014: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2014-00029
106 Hume Ave



I. DISCUSSION

The applicant, Connie Desrosiers, requests approval to extend a previously-approved Special Use Permit to operate a restaurant at 106 Hume Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 65 feet of frontage on Hume Avenue, 105 feet of depth, and a total lot area of approximately 8,600 square feet. The property is improved with a two-story, three-unit residential apartment building and gravel-surfaced parking area.



The property is surrounded by a mix of commercial and residential uses. An office building and the former Anthony's Auto repair shop, which is slated for new office redevelopment, are located to the west toward Mount Vernon Avenue. The SunTrust Bank building and surface parking lot are located to the south. Residential townhouses are located across a City-owned alley to the north of the property. Semi-detached residences, as well as City-owned land reserved for existing, underground storm sewer pipes, are located to the east of the site.

BACKGROUND

The subject building had been a single-family house for decades until approximately 2011, when the applicant divided it into two dwelling units. The applicant later added a basement-level apartment in 2013.

On January 12, 2013, City Council granted SUP#2012-0077 to the applicant for the operation of a coffee shop and wine bar (restaurant) with a five-space parking reduction. That approval is set to expire on July 12, 2014, pursuant to Section 11-506(C)(1) of the Zoning Ordinance, because the use will not have commenced within 18 months of approval. The applicant has submitted the current SUP request in anticipation of that expiration.

PROPOSAL

The applicant proposes extend the previously-approved SUP request to operate a new restaurant at this site. No changes to the previous request are proposed. The restaurant would occupy approximately 1,372 square feet of space on the first floor of the building, which includes a 954 square-foot, one-story addition that would be built on the front and west side of the existing building (see attached illustrations).

One residential apartment would remain on the first floor adjacent to the restaurant and two other apartments, one in the basement (not specified in previous plans) and the other on the second floor, would also remain.

As previously proposed, the applicant plans to operate a coffee shop/wine bar restaurant that would serve soups, salads, sandwiches, and cold plates. On-premises beer and wine would also be offered. The restaurant would have up to 40 indoor and 18 outdoor seats for a total of 58. Accessory catering and accessory retail products, including bulk coffee and tea and related supplies, would also be offered. Details of the proposal are as follows:

| | | |
|----------------------------|---|--|
| <u>Hours of Operation:</u> | 7 a.m. – 4 p.m. Sunday 6 a.m. – 4 p.m. Monday 6 a.m. – 10 p.m. Tuesday-Thursday | 6 a.m. – 11 p.m. Friday 7 a.m. – 11 p.m. Saturday |
| <u>Number of Seats:</u> | 40 indoor seats <u>18 outdoor seats</u> 58 total seats | |
| <u>Customers:</u> | Approximately 80-100 customers each day | |
| <u>Type of Service:</u> | Limited table service, bar service, and carry out | |
| <u>Entertainment:</u> | Live music, primarily acoustic guitar, piano and vocals. | |
| <u>Alcohol:</u> | On-premises wine and beer only | |
| <u>Delivery:</u> | Delivery will be offered to catering customers on an occasional basis using employee vehicles. | |
| <u>Noise:</u> | Minimal noises from patrons are expected from the proposed use. | |
| <u>Odors:</u> | No odors are expected from the proposed use. | |
| <u>Trash/Litter:</u> | Food waste, containers, wrappers and similar trash will be removed from the site once or twice each week. | |

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. The 58-seat restaurant is therefore required to provide 15 off-street parking spaces. The applicant partially satisfies this requirement with 10 off-street parking spaces that are to be reserved for the restaurant use in a reconfigured surface parking lot accessed only from Hume Avenue. The five-space parking reduction included in the previous SUP approval would continue to satisfy the balance of the parking requirement for the use under this proposal. The applicant would also provide sufficient parking for the residential tenants in the building.

Three new parking spaces, accessed from the alley located immediately to the north of the property, would be reserved for residential tenants.

ZONING/MASTER PLAN DESIGNATION

The property is located in the CL/Commercial Low zone and just outside of the Mount Vernon Urban Overlay zone. Section 4-103(M) of the Zoning Ordinance allows a restaurant in the CL zone with a Special Use Permit. Given that the original proposal was not eligible for Administrative SUP approval due to the lack of full service and the parking reduction, the extension request is also not eligible for such approval.

The proposed use is consistent with the Potomac West chapter of the Master Plan which designates the property for uses consistent with the CL zone.

II. STAFF ANALYSIS

Staff continues to support the applicant's request to operate a small coffee shop and wine bar in Del Ray. Although the proposal does introduce a commercial use on a side street adjacent to residences, restaurants can be appropriate in such locations. Staff again finds that specific operational elements of this use and the inclusion of special conditions make neighborhood impacts unlikely to occur. All prior conditions of approval have been carried forward in this case except for the requirement to install new fencing, which has already been completed. The condition language includes special limitations on the timing of deliveries and the route that vehicles travel to reach the restaurant (Conditions #14 and #15), limited hours for background live entertainment (Condition #7), and limited hours and location for outdoor dining (Condition #4). Staff also continues to support the five-space parking reduction.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2012-0077)
2. The maximum number of indoor seats at the restaurant shall be 40. The maximum number of outdoor seats at the restaurant shall be 18 and may only be located in front of the restaurant. (P&Z) (SUP#2012-0077)
3. The hours of operation for the restaurant shall be limited to between 6 a.m. to 10 p.m. Sunday-Thursday and 6 a.m. to 11 p.m. Friday and Saturday.

For indoor patrons, meals ordered before 10 p.m. Sunday-Thursday or before 11 p.m. Friday or Saturday may be sold, but no new patrons may be admitted after 10 p.m. Sunday-Thursday or before 11 p.m. Friday or Saturday and no new alcohol may be served and all patrons must leave by 11 p.m. Sunday-Thursday or 12 midnight Friday and Saturday. (P&Z) (SUP#2012-0077)

4. The hours of operation for outdoor seats shall be limited to between 7 a.m. and 10 p.m. daily. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. daily. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2012-0077)
5. On-premises alcohol service may be offered but off-premises alcohol sales shall be prohibited. (P&Z) (SUP#2012-0077)
6. All façade improvements to the building, including any awnings or signage, shall be consistent with the Design Guidelines of the Mount Vernon Avenue Business Area Plan to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2012-0077)
7. Limited live entertainment may be offered at the restaurant, typically in the form of only a few musicians playing background music for restaurant customers. No live entertainment shall be permitted outside. Live entertainment shall cease no later than 9:30 p.m. Sunday-Thursday nights and no later than 10 p.m. on Friday and Saturday nights. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP#2012-0077)
8. Delivery service of food to customers shall be limited to occasional catering deliveries only and only using pedestrian or bicycle transportation or employee vehicles. (P&Z) (SUP#2012-0077)
9. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2012-0077)
10. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2012-0077)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP#2012-0077)
12. Landscaping may be installed on City-owned property adjacent to the existing fence to the satisfaction of the Director of Planning & Zoning, but shall not include the planting of trees and shall be subject to a separate agreement with the City to cover the installation and future maintenance.

13. Access to the commercial parking lot shall be directly from Hume Avenue only. (P&Z) (SUP#2012-0077)
14. Supply deliveries, loading, and unloading activities shall occur only in the parking lot. No delivery trucks shall be parked on Hume Avenue or in the public alley to the north of the property, and all loading and unloading activities shall be prohibited from the public right-of-way. (P&Z) (SUP#2012-0077)
15. The applicant shall prohibit all vendors, including supply delivery trucks and maintenance vehicles, from using residential side streets when traveling to the restaurant. Vendors shall access Hume Avenue directly from Mount Vernon Avenue only. (P&Z) (SUP#2012-0077)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 9 p.m. and 7 a.m. (P&Z) (T&ES) (SUP#2012-0077)
17. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (T&ES) (SUP#2012-0077)
18. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2012-0077)
19. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP#2012-0077)
20. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2012-0077)
21. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2012-0077)
22. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP#2012-0077)
23. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and robbery readiness training for all employees. (P&Z) (SUP#2012-0077)
24. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning

Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(C) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services

R-1 Conditions to carry forward from approved SUP

16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 9 p.m. and 7 a.m. (P&Z) (T&ES) (SUP2012-0077)

17. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (T&ES) (SUP2012-0077)

18. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2012-0077)

19. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP2012-0077)

20. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2012-0077)

21. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP2012-0077)

22. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2012-0077)

C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES) (SUP2012-00077)

C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval.

Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES) (SUP2012-00077)

Code Enforcement

- F-1 The following comments are for SUP review. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Division Chief at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 Building, trade permits and inspections are required for proposed coffee shop and wine bar. Six sets of construction documents sealed by a Registered Design Professional that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s) The building official shall be notified in writing by the owner if the registered design professional in the responsible charge is changed or is unable to continue to perform the duties.

Health

- F-1 No comments received

Fire Department

- C-1 Depending on the occupant load (if great than 49), and the amount, storage arrangement, and type of alcohol, a fire prevention permits may be required for operation of this facility – assembly / flammable liquid.

The information provided appears to support that no permits will be required but until final occupant load is determined and inventory is established, final determination will be withheld.

Police Department

- F-1 No comments received

Parks and Recreation

- F-1 No comments received